

August 19, 2009  
NOTICE OF REGULAR MEETING AND PUBLIC HEARING MEETING OF THE  
BENTON COUNTY PLANNING BOARD

WHEN: August 19, 2009  
TIME: 5:30 p.m. The Benton County Planning Board will meet to receive Public Comments on any of the proposed projects on the agenda.  
PLACE: Benton County Administration Building, 215 East Central Avenue  
Quorum Courtroom, 3rd Floor (Suite 324), Bentonville, AR 72712

**MINUTES FOR REGULAR PUBLIC HEARING**

**1. Call to Order**

**2. Roll Call**

The Benton County Planning Board members in attendance were Scott Borman, Jim Cole, Mark Curtis, Lane Gurel, Bill Kneebone, Ken Knight and Heath Ward.

The Staff was represented by Chris Glass, Ronette Bachert, Karen Stewart, and Teresa Sidwell.

**3. Disposition of the Minutes of July 15, 2009 public hearing meeting as distributed.**

*Mr. Kneebone made a motion to accept the meeting minutes as distributed; Mr. Knight seconded the motion. Mr. Borman, Mr. Cole, Mr. Curtis, Mr. Gurel, Mr. Kneebone, Mr. Knight, and Mr. Ward all voted in favor of the motion; the motion was passed.*

**4. Reports of Planning Board Members**

Mr. Curtis submitted an updated version of the matrix for commercial projects. He noted that concept of weighting items on the matrix had been decided against and that listed criteria had been updated. Mr. Curtis stated that he had attended the Rogers Planning Board meeting concerning extraterritorial jurisdiction. He added that the City of Rogers Planning Board consensus was to establish a primary planning area consisting of a one mile radius surrounding the city and including Prairie Creek as well as a secondary planning area within the five mile radius. Mr. Curtis stated that the Airport Manager, David Krutsch, had spoken at the meeting and that he would recommend inviting the Airport Manager to attend the meeting that would be scheduled for the Health Department to speak. Mr. Ward asked Mr. Curtis if there was any discussion concerning the must/shall controversy

surrounding territorial jurisdiction. He stated that this issue has been a point of contention in regards to the citizens going to the city and the county. Mr. Glass stated that it would be nice to have the question answered once and for all. Mr. Ward asked if Staff would be able to contact the state representatives or senators to ask for an Attorney General's opinion on the subject.

Mr. Knight asked about meeting with the cities to discuss extraterritorial jurisdiction; Mr. Glass said that one meeting had already taken place and that another had been scheduled. Mr. Knight stated that he felt Siloam Springs will want to have jurisdiction within their five mile radius. Mr. Knight asked Mr. Glass for timeframe to complete the letter requesting the AG's opinion. Mr. Glass stated that a draft to the senator should be finalized and signed by Mr. Ward by the end of this week or early next week. He added that review by legal council could take another week and the response by the Attorney General's office could not be predicted. Mr. Borman stated that generally a response from the state would take 45-90 days.

*Mr. Borman made a motion that Staff would draft, finalize, and submit a letter to a state representative to be signed by the Planning Board chairman; Mr. Curtis seconded the motion. The Board unanimously voted to approve the motion.*

## 5. **Public Comment**

There was no public comment. The floor was closed for public comment.

## 6. **New Business:**

### A. Variance from Setbacks - **Jensen Addition / Jeremiah & Robin Hilger** - 13317 North Highway 279, Hiwasse

The comments from the TAC meeting for the project were as follows.

- Plat with no set-back was approved by former Planning Director.
- Applicant and Purchaser requests letter from planning office.

Robin Hilger represented the project. Mrs. Stewart stated that the letter requested had been submitted to the prospective purchaser. She added that another letter from Staff had been requested by the purchaser stating that the Board had approved the variance. Mr. Glass agreed that such a letter could be provided without any issues.

*Mr. Borman made a motion to grant a variance from setback regulations; Mr. Kneebone seconded the motion. The Board voted unanimously to approve the variance. The variance was granted.*

B. Variance from Tract Split - **David Humphrey** - 15968 Butler Road, Siloam Springs

Mr. Ward stated that a representative for the project was not present at the TAC meeting but the Board allowed the representative to appear at the public hearing because of the military status of the applicant.

Mr. Mike James of James Surveying represented the project. Mrs. Stewart stated that the property had been split 3 times previously although one of those times was not subject to Benton County regulations because the parcel that had been split off exceeded 5 acres and was therefore exempt from the "Regulations, Standards and Specifications for the Subdivision, Conveyance, Development and Improvement of Unincorporated Land in Benton County, Arkansas". Mr. Gurel asked Staff for clarification in regards to informal plat regulations; Mrs. Stewart stated that an informal plat applied to parcels from 2 acres up to 4.99 acres.

Mr. Curtis asked the representative if anyone had built on the 3 acre tract. Mr. James stated that there had not been any structure built. He added that, to the best of his knowledge, the applicant had no intention of starting a subdivision. Mr. Knight asked if a manufactured home could be placed on the property. **Mr. ?** stated that the Board did not regulate the type of structure that could be placed on the parcel. Mr. James stated that he believed the applicant intended to build a home within 90 days.

*Mr. Kneebone made a motion to approve the variance; Mr. Gurel seconded the motion. Mr. Cole, Mr. Curtis, Mr. Gurel, Mr. Kneebone, and Mr. Knight voted to approve the variance. Mr. Borman and Mr. Ward voted to deny the variance. The variance was granted.*

C. Variance from Setbacks - **Holiday Hills / Lila Hawkins** - 10202 Jims Trail, Rogers

Ms. Lila Hawkins represented the project. She submitted a sketch showing the placement of the proposed building on the property with the exact number of feet from the center of the road as well as the number of feet from her home. She stated that she had checked with the Health Department and that they required her to be no closer than 10 feet from the lateral lines. Ms. Hawkins stated that the lateral lines on her property would be 15 feet from the building. Mr. Borman asked if other homes in the subdivision were as close to the road. Several Board members and Staff stated that many of the homes in the subdivision were set close to the road.

*Mr. Gurel made a motion to approve the variance; Mr. Borman seconded the motion. All Board members voted in favor of the motion. The variance was granted.*

8. **Other Business:**

Mr. Ward asked the Board for nominations for a new chairman.

*Mr. Cole made a motion to nominate Mr. Borman, Mr. Kneebone seconded the motion. Mr. Borman was unanimously nominated as chairman by the Board.*

Mr. Ward asked for nominations for a vice-chair.

*Mr. Curtis made a motion to nominate Mr. Gurel, Mr. Kneebone seconded the motion. All Board members voted unanimously to approve the nomination for vice-chair.*

Mr. Ward stated that an alternate must also be chosen. Jim Cole was nominated.

Anyone remember who nominated, seconded Jim's nomination???

The Board also discussed scheduling and setting the agenda for their annual workshop.

9. **Adjournment:**

The meeting was adjourned at 6:05 p.m.

*Please note that due to equipment failure, the meeting was not recorded.*